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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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8 NYUTU K. WOODS

9 *Petitioner,*

10 vs.

11 STATE OF NEVADA, *et al.*,

12 *Respondents.*  
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2:13-cv-01333-APG-GWF

ORDER

14  
15 Petitioner has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.  
16 ECF No. 1. However, the matter has not been properly commenced because there has been no payment  
17 of the filing fee or any application to proceed in *forma pauperis*.

18 Because it appears from the papers presented that a dismissal without prejudice may materially  
19 affect a later analysis of any timeliness issue with regard to a promptly filed new action, the action will  
20 not be dismissed outright. Instead, petitioner will be given time to pay the filing fee or apply for pauper  
21 status.

22 **IT THEREFORE IS ORDERED** that the Clerk shall retain but not file the petition at this time.

23 **IT IS FURTHER ORDERED** that petitioner will have thirty days from entry of this order to  
24 either pay the \$5 filing fee or submit a fully completed application to proceed in *forma pauperis*. Failure  
25 to comply with this order may result in dismissal of this action. The Clerk shall send petitioner two  
26 copies of the form and one copy of the instructions for applying for pauper status.

27 DATED: July 30, 2013.

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UNITED STATES DISTRICT JUDGE